



In re Application of Diaz et al.

Serial No.: 09/864,486

Confirmation No.: 2985

Filed: May 24, 2001

For: DNA Fragments of the Methylophilic *Pichia pastoris* Yeast ICL Gene

Attorney Docket No. 976-9

I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to:

Commissioner for Patents, P.O. Box 1450
Alexandria, Virginia 22313-1450

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

on November 5, 2004

Signature: *D. Bayer*

Sir:

Transmitted herewith is an Amendment in the above-identified application.

- ☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
- ☒ No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 19	MINUS	** 21	= 0
INDEP.	* 3	MINUS	*** 7	= 0

SMALL ENTITY	
RATE	ADDL. FEE
x 9=	\$
x 43=	\$
x 145=	\$
TOTAL	\$ 0.00

OTHER THAN A SMALL ENTITY	
RATE	ADDL. FEE
x 18=	\$
x 86=	\$
x 290=	\$
TOTAL	\$ 0.00

☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS

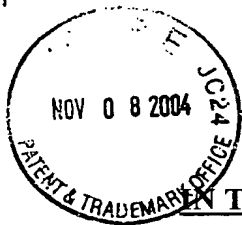
- * If the entry in Column 1 is less than the entry in Column 2, write "0" in Column 3.
- ** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" in this space is less than 20, write "20" in this space.
- *** If the "HIGHEST NUMBER PREVIOUSLY PAID FOR" in this space is less than 3, write "3" in this space. The "HIGHEST NUMBER PREVIOUSLY PAID FOR" (Total or Independent) is the highest number found from the equivalent box in Column 1 of a prior amendment or the number of claims originally filed.

- ☐ Please charge my Deposit Account No. 08-2461 in the amount of \$_____. A duplicate copy of this sheet is attached.
- ☐ A check in the amount of \$_____ is attached.
- ☒ The Commissioner is hereby authorized to charge any fees or additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2461. A duplicate copy of this sheet is attached.
- ☒ Any filing fees under 37 C.F.R. 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.

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Respectfully submitted,

Lauren T. Emr
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Registration No. 46,139



1639
Hw

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Diaz et al.	Examiner:	Lambertson, David
Serial No.:	09/864,486	Group Art Unit:	1636
Confirmation No.:	2985	Docket:	976-9
Filed:	May 24, 2001	Dated:	November 5, 2004
For:	DNA Fragments of the Methylotrophic <i>Pichia pastoris</i> Yeast <i>ICL</i> Gene		

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on 11/5/04 Signature D. Bayer

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

This amendment is submitted in response to the Office Communication dated October 28, 2004, which indicated that the previously filed amendment dated October 20, 2004 in response to the office action of September 8, 2004 in connection with the above-identified application is non-compliant. Entry of the following amendments and remarks is respectfully requested.

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 5 of this paper.